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APPLICATION NO.	FILED DATE	FIRST NAME INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 932,914	08/29/2001	Johannes Martinus Dina Goossens	GFPLP-44	8075

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EXAMINER

SZEKELY, PETER A

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,914	GOOSSENS ET AL.	
	Examiner	Art Unit	
	Peter Szekely	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) to a U.S. patent application.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Informative Disclosure Statement(s) (PTO-1442) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)

DETAILED ACTION

Specification

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).
2. The attempt to incorporate subject matter into this application by reference to DE- A 41 22 475 is improper because it is a foreign patent.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 2-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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molecular weights are weight average, number average, viscosity average, peak average or Z average molecular weights. One of ordinary skill in the art would not be able to determine which polymers to select, from the commercially available products, to achieve optimum results.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 8 and 14-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakashita et al. 5,470,938 or General Electric EP 0 675 159.

7. Sakashita et al. disclose polycarbonate in claim 1, molecular weights in column 7, lines 61-64, cyanoacrylates in column 11, lines 63-66 and concentrations in the paragraph overlapping columns 11 and 12, for flame retardant articles see column 13, lines 31-40. General Electric teaches cyanoacrylates and polycarbonates in claim 1, concentrations in claims 19, 20 and page 5, lines 11-32. Applicants' claims are not novel.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 8, 13 and 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Nuffel 6,441,071.

10. Van Nuffel recites polycarbonate in claim 1, cyanoacrylates with their concentration in claims 4-6, articles in claim 7, Uvinul 3030 in column 4, lines 36-63, cyanoacrylate concentrations in column 5, lines 10-22 and molecular weights from column 15, line 47 to column 16, line 29. Applicants' claims are not novel.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakashita et al. 5,470,938, Van Nuffel 6,441,071 or General Electric EP 0 675 159, in view of Mark 3,948,851, Mark 4,092,291, Krishnan 4,632,949, Umeda et al. 5,449,710, Weider 5,693,697 or Rosenquist et al. 6,353,046, further in view of Mark et al. 4,130,530 or Rosenquist 4,335,032.


14. Mark ('851) divulges polycarbonate and sulfonic acid salts in claims 1-10. Mark ('291) reveals similar compounds in claims 1-14. Krishnan displays polycarbonates in claims 8-9, alkali salt of an inorganic acid in claims 11 and 13 and potassium perfluorobutane sulfonates in column 5, lines 1-2. Umeda et al. present polycarbonate, alkali metal salt of a perfluoro-alkane-sulfonic acid and an organopolysiloxane in claims 1-11, specific salts in the paragraph overlapping columns 5 and 6 and specific organopolysiloxanes in column 7, lines 20-55. Weider et al. describe polycarbonate, diphenyl dimethoxysilane and sulfonate salts in claim 1. Rosenquist et al. ('046) discuss polycarbonate, perfluoroalkane sulfonate and cyclic siloxanes in claims 1-26. Mark et al. ('530) list polycarbonate and cyclic siloxanes in claims 1-4. Rosenquist ('032) relates polycarbonate and polymethylphenylsiloxane in claims 1-5 and 6-7. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add the flame retarding combination of polyorganosiloxanes and sulfonates to the polycarbonate compositions of the primary references, because these compounds have been customarily added to polycarbonate compositions which contain an ultraviolet stabilizer, as shown by the cited references.

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examiner should be directed to Peter Szekely whose telephone number is (703) 308-2460. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
May 5, 2003